

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|--|---|-----------------------------|
| ----- | X | |
| IN RE STATE STREET BANK AND | : | |
| TRUST CO. FIXED INCOME FUNDS | : | MDL No. 1945 |
| INVESTMENT LITIGATION | : | |
| ----- | X | |
| NING YU, On Behalf of Himself and All | : | |
| Others Similarly Situated, | : | |
| | : | |
| Plaintiff, | : | No. 08 Civ. 8235 (RJH)(DFE) |
| | : | |
| vs. | : | ECF CASE |
| | : | |
| STATE STREET CORPORATION, et al., | : | Electronically Filed |
| | : | |
| Defendants. | : | |
| ----- | X | |
| PLUMBERS AND STEAMFITTERS UNION | : | |
| LOCAL NO. 10 HEALTH & WELFARE | : | |
| FUND, Individually and on Behalf of All Others | : | |
| Similarly Situated, | : | |
| | : | |
| Plaintiff, | : | No. 08 Civ. 7934 (RJH)(DFE) |
| | : | |
| vs. | : | ECF CASE |
| | : | |
| STATE STREET CORPORATION, et al., | : | Electronically Filed |
| | : | |
| Defendants. | : | |
| ----- | X | |

**INDEPENDENT TRUSTEES' NOTICE OF
MOTION TO DISMISS THE AMENDED COMPLAINTS**

PLEASE TAKE NOTICE that, upon the Amended Complaints; the accompanying Memorandum of Law; and upon all prior papers, Defendants Lynn L. Anderson, Steven J. Mastrovich, William L. Marshall, Patrick J. Riley, Bruce D. Taber, Richard D. Shirk and Henry W. Todd, through the undersigned, will move this Court before the Honorable Richard J. Holwell, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an order dismissing the Amended Complaints filed

in the above-captioned actions in their entirety with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Securities Act of 1933, 15 U.S.C. §§ 77a et seq.

Dated: March 11, 2009
New York, New York

Respectfully submitted,

/s/ Thomas J. Dougherty

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-- and --

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Taber, Richard D. Shirk and Henry W. Todd

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as indicated on the Notice of Electronic Filing. I further certify that on March 11, 2009, I caused a true copy of the foregoing document to be served by first class mail, postage prepaid upon the following counsel:

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Dated: March 11, 2009

/s/ Thomas J. Dougherty
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